GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:4659
ANSWERED ON:26.04.2005
TEA BOARD
Sen Smt. Minati

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Tea Board has initiated talks for individual registration of exporters with countries like the US, UK, France and Russia for protection of Darjeeling teas;

(b) if so, the details thereof;

(c) whether Geographical Indication Act (GI), supposed to be recognised by all countries under TRIPS agreement is being debated in WTO;

(d) if so, the details thereof;

(e) whether the muscatel flavour teas have been subjected to repeated misuse over the years;

(f) if so, the details thereof and measures taken thereupon;

(g) whether big buyers violate the Certified Trade Mark (CTM) and pass off blends as pure Darjeeling tea into markets;

(h) if so, the action taken thereupon?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY(SHRI E.V.K.S. ELANGOVAN)

(a): Yes Sir.

(b): Tea Board has already registered Darjeeling tea as a Certification Trade Mark in UK. This registration is valid for both the Darjeeling logo mark and the Darjeeling word mark till 2008. Tea Board has also registered Darjeeling tea as a Certification Trade Mark in the US. This registration is valid for the Darjeeling logo mark till 2007 and for the Darjeeling word mark till 2012. The Darjeeling logo mark has a valid registration under an International registration under the Madrid Agreement which is valid till 2007, which covers France. The Darjeeling word mark is not registered in France. A community collective mark application has been filed for registration of the word mark for the entire European Union including France. In Russia, the Darjeeling word mark is registered as a trade mark. India is also exploring the option of arriving at a bilateral Memorandum of Understanding with Russia on protection of Geographical Indications (GIs) including Darjeeling tea.

(c): Yes Sir.

(d): An important issue which is under negotiation is on the hierarchy in the level of protection - the difference between Article 22 (GI products other than wines and spirits) and Article 23 (GIs for wines and spirits), under the TRIPS Agreement. Under Article 23, wines and spirits are granted a stronger level of protection. Many developed and developing countries including India have been demanding the removal of the disparity between two types of protection.

(e) & (f): There is no specific study or data to substantiate this point. The Tea Board has been actively opposing all attempts at registration of the Darjeeling mark by third parties. All reported cases of infringement are pursued by the Tea Board.

(g): There are no reported cases of such incidents.

(h): Does not arise.